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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,429

11/02/2005

Johanna M. Rommens

8092-002-US

9669

32301 7590 06/19/2008
CATALYST LAW GROUP, APC
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EXAMINER

THOMAS, DAVID C

ART UNIT

PAPER NUMBER

1637

MAIL DATE

DELIVERY MODE

06/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/526,429	Applicant(s) ROMMENS ET AL.	
	Examiner DAVID C. THOMAS	Art Unit 1637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 21 and 23-53 is/are pending in the application.
- 4a) Of the above claim(s) 23--52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 21 and 53 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/13/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10526429	11/2/2005	ROMMENS ET AL.	8092-002-US

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SAN DIEGO, CA 92121

EXAMINER

DAVID C. THOMAS

ART UNIT	PAPER
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1637	110205-2
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The timely submission filed on March 26, 2008 is not fully responsive to the prior Office Action because the request to correct the Sequence Listing was not met in the original restriction requirement mailed December 26, 2007. Since the submission appears to be bona fide attempt to provide a complete reply to the prior Office Action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this Action, whichever is longer, to submit a complete reply. This shortened statutory period supercedes the time period set in the prior Office Action. This time period may be extended pursuant to 37 CFR 1.136(a).

Election of SEQ ID NOS: 7 and 8 is acknowledged. However, a search of SEQ ID NOS; 7 and 8 cannot be performed because the SEQ ID NOS in the Sequence Listing do not match the SEQ ID NOS presented in the claims or the specification. For example, SEQ ID NO: 3 in claim 7 matches the sequence of SEQ ID NO: 4 of the Sequence Listing, while SEQ ID NO: 4 in claim 7 matches the sequence of SEQ ID NO: 5 of the Sequence Listing. In addition, the Sequence Listing is incomplete, as only sequences up to and including SEQ ID NO: 13 appear in the listing, while the claims and the specification contain 34 SEQ ID NOS. An accurate Sequence Listing that matches the SEQ ID NOS of the claims is required to render a meaningful search of the claims.

/David C Thomas/
Examiner, Art Unit 1637